

**TOWN OF BUFFALO
CEMETERY ORDINANCE
ORDINANCE # 01/13/2020**

Revised and re-enacted --/--/ 2022

SECTION 1 – NAME

The cemeteries managed by the Town of Buffalo are the Oaklawn Cemetery, the U.P. Cemetery and the Rood Cemetery.

SECTION 2 – MANAGEMENT and OPERATIONS

The business, property management, operation and control of said cemeteries shall be vested in the members of the Buffalo Town Board. The Rood Cemetery shall be closed to further burials.

SECTION 3 –PLATTING

The Town Board of shall authorize a registered land surveyor to survey the outer boundaries of the three cemeteries and, if the Board so determines, plat such portions of the lands as may from time to time be required for burial, into lots, drives and walks and record a map thereof in the office of the Marquette County Register of Deeds.

SECTION 4 – CONVEYANCES

- A. The Town Board may sell and convey platted and unplatted lots, expressly restricting the use to burials, and upon such other terms, conditions and restrictions as it may direct. Conveyances shall be signed by the Town Board. The Town Clerk shall enter in a book kept for that purpose, the date, consideration, name and residence of the grantee before delivering the conveyance.
- B. The Town Board may sell and convey for other than burial purposes any portion of any of its cemeteries in which no lots have been sold or conveyed and no burials made. If the Town Board finds that the proposed sale is for the best interests of the cemetery and the rights of none to whom lots have been conveyed will be injured, it shall enter an order reciting the jurisdictional facts and its finding, and authorizing the conveyance. The order shall be effective when recorded in the Marquette County Register of Deeds Office.
- C. The Town Board may vacate or re-plat any portion of any of its cemeteries after publishing a public notice of a hearing at the Town Hall describing the proposed action and the reasons for it. The owners of all lots affected by the proposed vacating or re-platting shall be served with a written notice either personally or by certified mail at least thirty (30) days before the time fixed for hearing. If the Town Board

finds that the proposed vacating or re-platting is for the best interest of the cemetery and that the rights of none to whom lots have been conveyed will be injured, it shall enter an order reciting the jurisdictional facts and its findings and authorizing the vacating or re-platting of the lands of the cemetery. The order shall be effective when recorded in the Marquette County Register of Deeds Office.

SECTION 5 – SALE OF LOTS AND USE OF PROCEEDS

The Town Board shall, from time to time, by resolution fix a price on all lots to be sold for burials in any cemetery managed by the Town. Proceeds of lot sales shall be placed into the Town's general fund or a segregated account at the Board's discretion.

SECTION 6 – IMPROVEMENT, CARE AND REGULATIONS

- A. The Town Board shall maintain suitable fences around the perimeter of the Town Cemeteries.
- B. The Town Board shall also have authority to make rules and regulations as it deems necessary.

SECTION 7 – MEMORIAL STONE REGULATIONS

- A. An original death certificate must be provided to the sexton or appointed person before any grave is opened and after lot owners or memorial dealers must consult the sexton or appointed person to ascertain if there is space on the lot for the desired memorial.
- B. Steps, curbing or coping of any kind are prohibited on lots. Covers for underground vaults may not be exposed above ground.
- C. Dealers or manufacturers cards or advertisements shall not be placed within the cemetery property.
- D. Mausoleums – refer to Wisconsin Stats 157.12.
- E. Guy rope must not be fastened to other objects without first obtaining permission. Contractors and workmen in whatever capacity employed shall be required to clean up after operations and restore the grounds to their original conditions.
- F. Materials used for memorials must be of granite or standard bronze or such other material as may be specifically authorized by the Town Board. Materials for government issued markers may duplicate existing markers on all veterans' plots. Government markers outside of veterans' plot must be granite or standard bronze.
- G. The term "monument" shall mean any stone that complies with Section 8, paragraph A.
- H. Only one monument will be allowed on any one lot.
- I. Individual markers shall not be over 24 inches in length or 12 inches in width.
- J. Double markers shall not be over 36 inches in length or 12 inches in width.

- K. All markers shall be of the flat type, finished with a level bottom of uniform thickness and not over 6 inches in depth.
- L. Grave markers shall be of the flat type with above ground level exposure not to exceed 2 inches.
- M. Only one grave marker will be allowed on any one grave.
- N. Flat type markers shall be set by the monument company at the east end of the individual grave.
- O. Foundations for monuments may be constructed by any individual approved by the Town Board and shall be of any size and depth deemed proper by the sexton or appointed person. Final grade shall be no less than 1 inch above the highest point at the location.

SECTION 8 – GRAVE MONUMENT BLOCKS

- A. One monument per lot is permitted. The base of the monument shall be proportionate to the size of the monument.
- B. The size shall be limited to the following overall dimensions.

Minimum	LENGTH	WIDTH	HEIGHT
	2'6"	6"	1'4"

Maximum	LENGTH	WIDTH	HEIGHT
	4'0"	10"	3'0"

- C. Portable flower receptacles will be permitted. Planting of trees and shrubs is not permitted on these lots.

SECTION 9 – GREEN BURIALS

- A. Green Burials may only occur in the Oak Lawn Cemetery, and only in designated lots or within a section or sections reserved by the Town Board for green burials.
- B. Embalming: Embalming is not allowed. Funeral directors and morticians must be instructed not to use embalming fluids, but rather to use alternatives such as essential oils, refrigeration, dry ice, or closed caskets.
- C. Outer burial containers and liners: Vaults and similar outer containers are inconsistent with green burial and are not permitted.
- D. Biodegradable containers and coverings: All burials shall be made in biodegradable containers such as shrouds, blankets, bare wood caskets, urns, and cremain grade cardboard boxes. Caskets cannot be made with metal or precious woods. Containers shall be of sufficient strength to support the weight of an adult body.

E. Cremation Remains: Cremation remains and remains from the procedure of alkaline hydrolysis are acceptable only if securely contained in a biodegradable urn or other container.

F. All green graves shall be dug to a standard depth of 3.5 feet. Family members of the deceased person shall be allowed to hand-dig the grave, if they choose to do so.

G. Designated green cemetery lots or sections may be mowed with the same frequency as the adjoining conventional burial section(s), or left to be naturalized, at the Board's discretion.

SECTION 10 – RULES AND REGULATIONS

A. No person shall plant shrubs, bushes or trees. See WI Stats 157.11.

B. No person shall landscape any lot or lots.

C. No person shall mark, paint, deface or otherwise mutilate any property in the cemetery.

D. Dogs are permitted in the cemetery only when confined in a vehicle or if the dog is a service animal accompanying a person with sight-impairment or other disability while in the cemetery. All other pets or domestic animals are prohibited without written consent of the town board or the town clerk.

E. Potted plants and/or artificial flowers, wreaths or crosses may be placed in the cemetery in an area not to exceed the length of the monument/marker and not to exceed twelve inches in width. All plastic flowers and pots, metal racks, fabric ribbons and decorations and other non-biodegradable materials used in memorials must be removed from the premises no later than October 31 of each year. No such items may be discarded over the fences. The Town reserves the right to remove any and all memorials and other materials without notice at any time.

F. Only one casket is allowed per individual plot.

G. A limit of two (2) cremation urns is allowed per individual lot.

H. All rules, regulations and prices are subject to change at any time without notice. The Town Board may establish forfeitures, cost reimbursements, or other sanctions for violation of these Rules and Regulations.

SECTION 11—GOVERNING LAW

The Buffalo Town Board adopts State Statute 157.114(2). Any determination not described in this Ordinances will be determined by Statute.

SECTION 12—EFFECTIVE DATE

This ordinance shall take effect and be in full force from and after its passage and publication or posting as required by law.

SECTION 13--SEVERABILITY

In the event that any section or sections of this Ordinance shall be ruled unconstitutional by any competent court, that determination shall not affect the validity or effectiveness of the other sections of this Ordinance and the remainder of this Ordinance shall remain in effect.

This ordinance adopted by the Town Board of the Town of Buffalo, Marquette County, Wisconsin on this _____ day of _____, 2022.

The Town Board of Buffalo:

By: _____
Scott Kempley - Chairman Laurie Beahm - Clerk

Ryan McReath, Supervisor Roger Wallis, Supervisor